

The Office Action of February 10, 1997 was discussed, particularly the 35 U.S.C. § 102 rejection of claims 1-20.

The Examiner agreed that the critical date for the present case is June 3, 1992 and not May 31, 1994 and that he would probably withdraw the rejection upon detailed review. In order to facilitate this review, the position of the Applicant is presented below for consideration.

The 35 U.S.C. § 102 Rejection

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being allegedly being disclosed at a Conference more than a year previous to Applicants' filing date by Applicant. (USENIX Winter 1994 Conference, Technical Report 3002: File System Design for an NFS Server Appliance) This rejection is respectfully traversed.

Claims 1-20 stand rejected under 35 U.S.C. § 102(b) as being allegedly being in public use or on sale more than a year previous to Applicants' filing date. This rejection is respectfully traversed.

The present application is a file wrapper continuation of U.S. Patent Application Serial No. 08/071,643, filed June 3, 1993, now abandoned. Claim to the prior application was made in the Transmittal Letter dated May 31, 1995 and is reflected in the Filing Receipt for the present case. As a result, the "critical date" for consideration of issues under § 102(b) in the present case is June 3, 1992 and not May 31, 1994.

In light of this information, the Applicant believes that the articles and activities raised by the Office Action are not relevant and that the questions contained in paragraph 8 of the Office Action are moot. However, if the Office maintains the requirement, the Applicant will be happy to answer the questions at that time.

In view of the above, it is respectfully asserted that the claims are now in

condition for allowance.

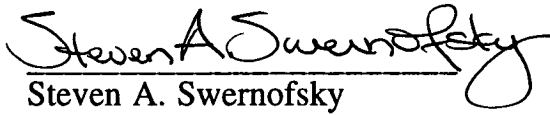
Request for Allowance

In view of the foregoing, reconsideration and an early allowance of this application are earnestly solicited.

If any matters remain which could be resolved in a telephone interview between the Examiner and the undersigned, the Examiner is invited to call the undersigned to expedite resolution of any such matters.

Respectfully submitted,  
D'ALESSANDRO & RITCHIE

Dated: May 7, 1997

  
Steven A. Swernofsky  
Reg. No. 33,040

D'Alessandro & Ritchie  
P.O. Box 640640  
San Jose, CA 95164-0640  
(408) 441-1100